

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
DECEMBER 13, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Joan M. DuBois, Dranesville District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District
Janet R. Hall, Mason District

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy noted that this was the last meeting for the year 2001. He said that the Commission had a successful and busy year, holding 66 meetings, 29 committee meetings and 3 workshops. He added that 258 public hearings had been held on land use items and Zoning Ordinance Amendments with testimony from over 500 citizens, and that 111 "feature shown" determinations had been made.

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Chairman Murphy bid farewell to Hunter Mill Commissioner John Palatiello. He noted that Commissioner Palatiello had been appointed to the Commission in 1993 to fill the unexpired term of Commissioner David Bobzien, and had been reappointed in 1997 by Hunter Mill Supervisor Robert Dix. During his tenure on the Commission, Chairman Murphy noted that Commissioner Palatiello had served on the Public Utilities Committee, the Policy and Procedures Committee, the Capital Improvement Program Committee; the Governor's HOV Task Force; the Dulles Corridor Area Study Task Force; the Transportation Advisory Committee Transit and TDM Working Group; the Baseball Stadium Site Selection Task Force; and as the 2001 ex-officio member of the Dulles Corridor Land Use Task Force. Chairman Murphy said Commissioner Palatiello would be greatly missed and that he would be honored at an official farewell party in the near future.

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Commissioner Kelso informed the Commission that the Lee District Association of Civic Organizations held their annual banquet on Tuesday, December 11, 2001. He said that Bobbie and Joe Johnson had received the Lee District Citizenship Award; Sy Berdeux had received a leadership award for his work as the President of the Southeast Fairfax Development Corporation; and that James Zook, the Director of Planning and Zoning, had received the professional service award.

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Chairman Murphy announced his intent to defer the public hearing on SE-01-S-028, Gesher School, from January 17, 2002 to February 13, 2002.

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Commissioner Alcorn announced that the January meetings for Development Criteria Review Committee would be held on January 9, January 17 and January 24, 2002.

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PCA-81-C-005 - CATHOLIC DIOCESE OF ARLINGTON (ST. VERONICA PARISH)
PCA-78-C-024 - CATHOLIC DIOCESE OF ARLINGTON (ST. VERONICA PARISH)
SE-97-Y-006 - CATHOLIC DIOCESE OF ARLINGTON (ST. VERONICA PARISH)
(Decisions Only)

(The public hearing on these applications was held on December 12, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-78-C-024 AND PCA-81-C-005, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 29, 2001.

Commissioner Palatiello seconded the motion which carried by a vote of 8-0-2 with Commissioners Alcorn and Wilson abstaining; Commissioners Byers and Hall absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-97-Y-006, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 28, 2001, WITH THE FOLLOWING CHANGES:

CONDITION NUMBER 7: DELETE THE FOLLOWING FROM THE FIRST SENTENCE: "NO LIGHTING SHALL BE PROVIDED FOR THE OUTDOOR PLAYING FIELDS."

CONDITION NUMBER 15: MODIFY IT SO IT ALSO PERMITS "THE VISIBLE SURFACES OF THE BUILDING FAÇADE AND THE ROOF FORMS TO BE CONSTRUCTED IN SUCH A MANNER AND IN SUCH FINISHES AS MAY BE APPROVED BY THE ARCHITECTURAL REVIEW BOARD."

DELETE THE LAST SENTENCE OF NOTE 9 OF THE APPLICANT'S SPECIAL EXCEPTION PLAT AND INSERT THE FOLLOWING SENTENCE: "THE CONSERVATION EASEMENT MAY BE REPLACED BY A SECOND POND LOCATED IMMEDIATELY WEST OF THE SOUTH PARKING BAY, OR ON THE ADJOINING PARCEL."

Commissioner Palatiello seconded the motion which carried by a vote of 8-0-2 with Commissioners Alcorn and Wilson abstaining; Commissioners Byers and Hall absent from the meeting.

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ARCHITECTURAL RENDERINGS, RESTON SQUARE (PCA/DPA-B-846) (Hunter Mill)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DETERMINE, IN ACCORDANCE WITH THE STAFF RECOMMENDATION, THAT THE ARCHITECTURAL DETAILS SUBMITTED ATTACHED TO A MEMO DATED DECEMBER 11, 2001, BE DETERMINED ESSENTIALLY EQUIVALENT TO THOSE PROFFERED IN PCA/DPA-B-846.

Commissioners Kelso and DuBois seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Byers and Hall absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. SE-01-H-027 - TRIZECHAHN RESTON II, LLC
2. 2232-S01-24 - SPRINT PCS
3. 2232-H01-19 - VERIZON WIRELESS, AT&T WIRELESS SERVICES
& NEXTEL COMMUNICATIONS

This order was accepted without objection.

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SE-01-H-027 - TRIZECHAHN RESTON II, LLC - Appl. under Sect. 9-607 of the Zoning Ordinance to permit an increase in building height for an existing building on property located at 12000 Sunrise Valley Dr. on approx. 20.89 acres zoned I-4. Tax Map 17-3((8))1B. HUNTER MILL DISTRICT. PUBLIC HEARING.

Frederick Taylor, Esquire, with Bean, Kinney and Korman, PC, reaffirmed the affidavit dated November 13, 2001. There were no disclosures by Commission members.

Mr. Francis Burnszynski, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Commissioner Smyth asked why the building was 81.1 feet in height when the allowable height was 75 feet and a building permit had been issued for a height of 60 feet. Mr. Burnszynski replied that the engineer who had submitted the building permit request for 60 feet had done so in error.

Addressing Commissioner Smyth's question, Mr. Taylor said that a human error had been made. He noted that during the final survey the applicant had discovered that the building was actually 78.96 feet, 3.96 feet higher than the permitted limit. He said the error had been reported, resulting in the special exception application before the Commission tonight. He said the building was in harmony with the Comprehensive Plan and compatible with the existing area and requested a favorable recommendation.

In response to a question from Commissioner Palatiello, Mr. Taylor said that the applicant had no objection to the addition of a development condition requiring that funds be escrowed for road improvements and for the relocation of the trail along Reston Parkway.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Palatiello MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE-01-H-027, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 28, 2001, WITH THE FOLLOWING NEW CONDITION ADDED: "AS DETERMINED BY DPWES, THE APPLICANT SHALL ESCROW SUFFICIENT FUNDS TO PROVIDE AN ADDITIONAL THROUGH LANE ALONG THE RESTON PARKWAY FRONTAGE OF THE PROPERTY, REPLACE CURB AND GUTTER, AND RELOCATE THE TRAIL ALONG RESTON PARKWAY."

Commissioners Kelso and Wilson seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

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The next case was in the Springfield District, therefore, Chairman Murphy relinquished the Chair to Secretary Harsel.

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2232-S01-24 - SPRINT PCS - Appl under provisions of Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to construct a telecommunications facility, consisting of an 88-ft. tall monopole and equipment cabinets, at the Pohick Fire Station No. 35 located at 7801 Maritime Lane. The proposed monopole will look like a flagpole (antennas will be internal) and will replace an existing 35-ft. tall flagpole on the site. Tax Map 97-2((1))3, 4A. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Mr. David Marshall, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted staff recommended that the Planning Commission find the proposal to be in substantial accord with the provisions of the adopted Comprehensive Plan.

Mr. Marshall responded to a question from Commissioner Wilson about the lighting of the proposed monopole.

Responding to a question from Commissioner Smyth, Mr. Marshall said two additional carriers might be co-located on the pole, subject to "feature shown" determinations.

James Michal, Esquire, Jackson and Campbell, PC, stated that the pole would have a flag with light directed upwards so as not to shine towards the Fairfax County Parkway. He noted that Mr. Steve Gilbert, President of the Lake Forest Community Association, had expressed the Association's support for the facility, subject to four conditions: (1) that the pole have an outward appearance of 100 feet; (2) all-night lighting or a mechanical device be provided for raising and lowering the flag; (3) that two additional carriers could be located on it; and (4) that the pole have a flag which would be replaced on an annual or as-needed basis. Mr. Michal said these four conditions would be met and noted that the pole would only be 88 feet in height. He described the levels of service in the area and said that service along the Fairfax County Parkway was rather weak. He explained that there were no available structures of sufficient height in the area and pointed out that the pole would be located on public land with the visual impact mitigated by the use of a stealth design. He said alternative locations had been considered, including Huntsman Square Park, Huntington Park and a community park, but that necessary coverage could not be provided from those locations without increasing the height. He requested a favorable recommendation.

In response to a question from Commissioner Alcorn, Mr. Michal said the flag would be approximately 9 by 15 feet. Responding to a question from Commissioner Wilson, Mr. Michal identified the location and described the screening of the equipment cabinet.

Secretary Harsel called the first listed speaker and recited rules for testimony before the Commission.

Mr. Josefino Arevalo, 7622 Seabrook Lane, Springfield, expressed opposition to the proposed monopole. He said the pole would create a negative visual impact on his property and would have no buffering. He also expressed concern that approval of the application would set a precedent for locating other poles in the area.

Mr. Ernest Harris, 7715 Maritime Lane, Springfield, said the pole would have a negative visual impact on his neighborhood.

Mr. Michael Yurina, 7723 Maritime Lane, Springfield, presented a petition signed by over 40 of his neighbors expressing their concern and opposition to the proposed facility because it would have an adverse visual impact on his community and could set a precedent for further commercial development. (A copy of Mr. Yurina's remarks and the petition are in the date file.)

Mr. Steve Gilbert, 7602 Maritime Lane, Springfield, President, Lake Forest Community Association, expressed support for the proposed facility, and said that the applicant had addressed all of their concerns.

Mr. Alfonso Lievano, 7602 Cervantes Court, Springfield, expressed support for the proposed monopole because of the importance of and need for improved cellular communication.

Mr. Wayne Hufnagle, 8905 Peoria Court, Springfield, expressed support for the proposed development, citing the need for improved service in the area.

There were no further speakers. Therefore, Secretary Harsel called upon Mr. Michal for a rebuttal statement.

Mr. Michal said that he would be happy to meet with Mr. Arevalo to discuss where landscaping might be appropriate to buffer his property from the pole. He said cellular phones provided an enormous benefit to the public and that land line phones could eventually become extinct. He cautioned against ignoring the public benefit of wireless service because of the visual impact of monopoles. He said when appropriately sited and in accordance with the Comprehensive Plan, such facilities furthered public health, safety and welfare.

In response to a question from Commissioner Wilson, Mr. Michal said the enclosure for the equipment cabinet would be a brick wall, not a board-on-board fence.

There were no further comments or questions from the Commission and no closing staff remarks, therefore, Secretary Harsel closed the public hearing and recognized Commissioner Murphy for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE 2232-S01-24.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners Kelso, Moon and Palatiello not present for the vote; Commissioners Byers and Hall absent from the meeting.

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Chairman Murphy resumed the Chair.

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2232-H01-19 - VERIZON WIRELESS - Appl. under provisions of Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia*, as amended, to establish a telecommunications facility, consisting of a 125-ft. tall monopole (to replace an existing 150-ft. tall monopole), existing panel antennas, and an existing equipment shelter, at the VDOT maintenance yard located between the Dulles Airport Toll Rd. and Sunset Hills Rd. The appl. also includes existing co-located telecommunications facilities installed by AT&T Wireless Services and by Nextel Communications of the Mid-Atlantic, Inc., consisting of panel antennas and equipment shelters. Tax Map 18-3((1))7A. HUNTER MILL DISTRICT. PUBLIC HEARING.

Mr. David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted staff recommended that the Planning Commission find the proposal to be in substantial accord with the provisions of the adopted Comprehensive Plan.

Responding to a question from Commissioner Palatiello, Mr. Jillson said that according to a final decree entered in Fairfax County Circuit Court, the applicant did not have to remove the existing facilities at the Virginia Department of Transportation (VDOT) maintenance yard because a new application had been filed.

Frank Stearns, Esquire, with Venable, Baetjer and Howard, LLP, representing the applicant, noted that the order entered by the court did not require the removal of the existing facilities as long as applications were being "diligently pursued." Mr. Stearns said the subject pole was one of many located in a VDOT right-of-way and suggested that the location of the pole be looked at from a public interest standpoint. He said the applicant had met with representatives from

Equestrian Park and the Hunter Mill Defense League in an effort to address their concerns. He described the difficulties involved in providing coverage in the subject area, which was predominately residential in character with no tall buildings, and in close proximity to the Difficult Run Stream Valley. He identified alternative sites and explained why they were unsuitable. He said although the pole in the maintenance yard was visible from the Toll Road, it was not visible from residential areas to the north, and if it was reduced to 125 feet, existing trees would screen it from Equestrian Park. He described proposed modifications which would mitigate the visual impact of the pole, including a reduction in height, low-profile antennas and painting the bottom of the pole brown and blue towards the top. He said a flagpole would not be appropriate due to the openness of the area and would require additional facilities to provide adequate coverage. In summary, Mr. Stearns said that the facility was in compliance with the Comprehensive Plan and that all alternative locations had been fully explored. He noted that the pole had the support of the Fairfax County Public Schools, the Reston Chamber of Commerce and VDOT, and requested favorable consideration.

Mr. Stearns responded to a question from Commissioner Alcorn about the tree canopy height in the area; from Commissioner Smyth about the possible use of a flagpole; and from Commissioner Wilson about the circumstances under which the court decree required the removal of the pole.

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The Commission recessed at 10:40 p.m. and reconvened in the Board Auditorium at 10:55 p.m.

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Chairman Murphy called the first listed speaker and reviewed the procedures for testimony before the Commission.

Mr. Edward L. Donohue, Esquire, Cole, Raywid & Braverman, L.L.P, 1919 Pennsylvania Avenue, N.W., Washington, DC, pointed out that the Plan map showed the subject site was planned for public facilities and governmental and institutional uses. He introduced Mr. Christopher Scott, a radio frequency engineer employed by AT&T Wireless, who stated that he had reviewed alternative sites, analyzed the coverage requirements and found that there was no suitable alternative to the monopole at Sunset Hills Road. (A copy of his affidavit is in the date file.)

Ms. Holly H. Towne, Equestrian Park Subdivision, 1749 Dressage Drive, Reston, showed the Commission a video illustrating the negative visual impact the pole had on surrounding areas. She requested that the application be denied.

Commissioner Koch commented that monopoles were visible from areas all over the County, and even though a particular pole may not provide coverage to the residents of the area in which it was located, a pole somewhere did.

Mr. Steve Hull, 10906 Sunset Hills Road, Reston, expressed opposition to the pole because it was not compatible with surrounding residential development.

Mr. Don Skidmore, 10900 Equestrian Court, Reston, requested that the pole be removed and said innovative solutions, such as micro sites, should be used to provide coverage.

Mr. Paul Brodsky, Nextel Communications, 7055 Samuel Morse Drive, Columbia, Maryland, also speaking on behalf of Mr. Sean Hughes, Nextel Communications, expressed support for the existing pole. He said if the application were denied there would be an immediate, negative impact to coverage in the area and emergency communications would be lost. He submitted letters in support of the application from Nextel Communications and other interested parties. (These letters are in the date file.)

In response to a question from Commissioner Alcorn, Mr. Brodsky said that AT&T had antennas on the building across the street from the present site, but Nextel did not.

Ms. Jodi Bennett, 1459 Hunter View Farms, Vienna, expressed opposition to the facility and said the adverse visual impacts would not be mitigated by lowering the height of the pole.

Ms. Bennett responded to a question from Commissioner Alcorn about alternative sites.

Mr. Bruce Bennett, 1459 Hunter View Farms, Vienna, said the pole was visually intrusive on the surrounding area and should be removed.

Ms. Jeannette Toomey, Hunter Mill Defense League, 1504 Brookmead Place, Vienna, said the facility was an example of visual pollution. She said jurisdictions in other states had adopted policies limiting the overall height of cell towers, balancing the interests of both residents and carriers. She recommended that Fairfax County adopt a similar policy.

Mr. Elliott Eder, 1616 Crowell Road, Vienna, said the issue of the carriers was levels of service. He expressed opposition to the monopole because it was surrounded by residential areas and because alternative sites had not been fully explored.

Chairman Murphy said it was understandable that carriers were concerned about levels of service. He said a series of smaller poles would most likely face opposition from those who preferred one large pole.

There were no further speakers, therefore, Chairman Murphy called upon Mr. Stearns for a rebuttal statement.

Mr. Stearns submitted for the record a document from Millennium Engineering stating that the existing communications facility complied with all applicable exposure limits and guidelines adopted by the Federal Communications Commission governing human exposure to radio frequency electromagnetic fields. (A copy of this document is in the date file.) He said he

believed it was preferable to have the pole visible from the Toll Road rather than residential areas. He noted that Hunter Mill Estates had been built after the pole had been erected. He acknowledged that the pole was visible from a few homes, but said there was probably no where in the County where a monopole could not be seen. He pointed out that the Comprehensive Plan said the visual impact of poles should be mitigated, not eliminated. He said micro cells had a limited coverage area and their use was in conflict with the County's philosophy which mandated co-location of equipment. Mr. Stearns said everyone wanted cell phone service, but wanted the towers located in somebody else's backyard. He reiterated his previous testimony that no other suitable alternative locations were available. He called upon Mr. Don Shenosky, a radio frequency engineer with Verizon Wireless, to explain why flagpole technology was not a viable option in this case.

Commissioner Smyth commented that the engineering and technology industry needed to explore ways to mitigate the visual impact of monopoles. Mr. Stearns replied that industry was working on it, but that it was a process of evolution.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION FIND THAT APPLICATION 2232-H01-19 FAILS TO MEET THE CRITERIA IN THE FAIRFAX COUNTY COMPREHENSIVE PLAN WITH REGARD TO CHARACTER, LOCATION AND EXTENT.

Commissioner Smyth seconded the motion which carried by a vote of 8-0-1 with Commissioner Koch abstaining; Commissioner Moon not present for the vote; Commissioners Byers and Hall absent from the meeting.

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The meeting was adjourned at 12:05 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

December 13, 2001

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: April 10, 2003

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission